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Attorneys for Defendant

U.S. COURTS

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FILED  
CLERK U.S. DISTRICT COURT  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.  
HINCKLEY, JACQUELINE T. HLADUN,  
MARILYN J. CRAIG, JEFFERY P.  
CLEVINGER, and TIMOTHY C.  
KAUFMANN, individually and on behalf of  
those similarly situated,

Plaintiffs,

vs.

MICRON ELECTRONICS, INC., a  
Minnesota corporation,

Defendant.

) Case No. CIV 01-0244-S-BLW

)  
)  
) **AFFIDAVIT OF GREGORY C.**  
) **TOLLEFSON IN SUPPORT OF**  
) **DEFENDANT'S UNOPPOSED MOTION**  
) **TO FILE OVER-LENGTH BRIEF IN**  
) **OPPOSITION TO PLAINTIFFS'**  
) **MOTION FOR CONDITIONAL**  
) **CERTIFICATION**

I, Gregory C. Tollefson, being duly sworn, depose and say:

**AFFIDAVIT OF GREGORY C. TOLLEFSON IN SUPPORT OF DEFENDANT'S  
UNOPPOSED MOTION TO FILE OVER-LENGTH BRIEF IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION - 1**

Boise-145021.1 0026493-00046

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1. I am an attorney at Stoel Rives LLP and counsel of record for Defendant Micron Electronics, Inc. I am familiar with this case and make this affidavit based on my personal knowledge. I submit this affidavit in support of Defendant's Unopposed Motion to File Over-Length Brief in Opposition to Plaintiffs' Motion for Conditional Certification.

1. Plaintiffs' Second Amended Complaint and Demand for Jury Trial ("Complaint") runs twenty-two pages, includes six named plaintiffs that purport to represent "several hundred" sales representatives and sets forth numerous allegations under the Fair Labor Standards Act ("FLSA") and state law, including class allegations.

2. On February 13, 2002, Plaintiffs filed a Motion for Conditional Certification. In support of this motion, Plaintiffs filed a Brief in Support of Motion for Conditional Certification, consisting of nineteen (19) pages (docket no. 76). In addition, Plaintiffs filed a Statement of Material Facts consisting of twenty-one (21) pages (docket no. 77). Plaintiffs have therefore filed a total of forty (40) pages in support of the Motion for Conditional Certification. Plaintiffs also filed eighteen (18) affidavits in support of the Motion for Conditional Certification.

3. On February 22, 2002, Plaintiffs filed a Motion for Leave to File Second Amended Complaint and Demand for Jury Trial (docket no. 83), which was granted on April 22, 2002 (docket no. 93). The Second Amended Complaint amended several allegations in the complaint and added four new named Plaintiffs.

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UNOPPOSED MOTION TO FILE OVER-LENGTH BRIEF IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION - 2**

Boise-145021.1 0026493-00046

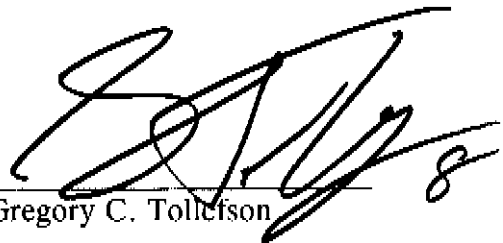
4. Instead of filing separate responses to Plaintiffs' nineteen (19) page memorandum of law and twenty-one (21) page statement of facts, Defendant proposes to address both documents in one memorandum. However, Defendant's Opposition to Plaintiffs' Motion for Conditional Certification will require a supporting memorandum of greater than twenty pages in order to fully and precisely address the complex legal and factual aspects of conditional certification. An over-length brief is particularly necessary in light of Plaintiffs' forty (40) pages of briefing in support of the motion and the addition of four named plaintiffs, who were added subsequent to Plaintiffs' conditional certification briefing.

5. Therefore, in order to fully and adequately address Plaintiffs' Motion for Conditional Certification, we have been unable to reduce Defendant's memorandum to twenty pages without compromising the substantive arguments on our client's behalf.


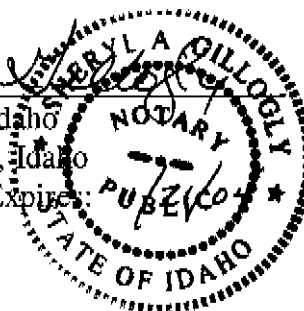
6. I spoke with Plaintiffs' counsel, Christopher Huntley, by telephone about this request. Mr. Huntley agreed to allow Defendant thirty (30) pages over the twenty-page limit, for a total of 50 pages for the opposing memorandum.

DATED this 13th day of August, 2002.

By:

  
Gregory C. Tollefson


SUBSCRIBED AND SWORN TO BEFORE ME this 13th day of August, 2002.

  
Notary Public of Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 8/13/04  


CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2002, a true and correct copy of the foregoing **AFFIDAVIT OF GREGORY C. TOLLEFSON IN SUPPORT OF DEFENDANT'S UNOPPOSED MOTION TO FILE OVER-LENGTH BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION** was served on the following individuals by the manner indicated:

William H. Thomas	<input type="checkbox"/> By Hand Delivery
Daniel E. Williams	<input type="checkbox"/> By Facsimile
HUNTLEY, PARK, THOMAS,	<input checked="" type="checkbox"/> By U.S. Mail
BURKETT, OLSEN & WILLIAMS	<input type="checkbox"/> By Overnight Delivery
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Kim J Dockstader

**AFFIDAVIT OF GREGORY C. TOLLEFSON IN SUPPORT OF DEFENDANT'S UNOPPOSED MOTION TO FILE OVER-LENGTH BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION - 4**